

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 314

# HOUSE BILL 2012

## AN ACT

AMENDING SECTION 15-2002, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 215, SECTION 3; REPEALING SECTION 15-2002, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 264, SECTION 9; AMENDING SECTION 20-167, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 132, SECTION 1 AND CHAPTER 214, SECTION 1; REPEALING SECTION 20-167, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 242, SECTION 1; AMENDING SECTION 22-281, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 291, SECTION 11 AND CHAPTER 309, SECTION 3; REPEALING SECTION 22-281, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2004, CHAPTER 3, SECTION 1; AMENDING SECTION 35-701, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 128, SECTION 1; REPEALING SECTION 35-701, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 246, SECTION 3; AMENDING SECTION 36-2983, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 104, SECTION 20; REPEALING SECTION 36-2983, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 265, SECTION 36; AMENDING SECTION 41-2092, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 79, SECTION 1; REPEALING SECTION 41-2092, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 168, SECTION 17; AMENDING SECTION 44-1273, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2001, CHAPTER 266, SECTION 4; REPEALING SECTION 44-1273, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 237, SECTION 2; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Purpose

3 1. Section 15-2002, Arizona Revised Statutes, was amended by Laws  
4 2003, chapter 215, section 3 and Laws 2003, chapter 264, section 9. The  
5 chapter 264 version could not be blended because it failed to amend the  
6 chapter 215 version, which was an emergency enactment, and therefore did not  
7 comply with article IV, part 2, section 14, Constitution of Arizona. To  
8 accomplish the intent of these enactments, this act amends the Laws 2003,  
9 chapter 215 version of section 15-2002, Arizona Revised Statutes, to  
10 incorporate the amendments made by Laws 2003, chapter 264 and the chapter 264  
11 version is repealed.

12 2. Section 20-167, Arizona Revised Statutes, was amended by Laws 2003,  
13 chapter 242, section 1. However, this version did not reflect the previous  
14 valid version of the section. In order to comply with article IV, part 2,  
15 section 14, Constitution of Arizona, this act amends section 20-167, Arizona  
16 Revised Statutes, as amended by Laws 2002, chapter 132, section 1 and chapter  
17 214, section 1, to incorporate the amendments made by Laws 2003, chapter 242  
18 and the chapter 242 version is repealed.

19 3. Section 22-281, Arizona Revised Statutes, was amended by Laws 2004,  
20 chapter 3, section 1. However, this version did not reflect the previous  
21 valid version of the section. In order to comply with article IV, part 2,  
22 section 14, Constitution of Arizona, this act amends section 22-281, Arizona  
23 Revised Statutes, as amended by Laws 2002, chapter 291, section 11 and  
24 chapter 309, section 3, to incorporate the amendments made by Laws 2004,  
25 chapter 3 and the chapter 3 version is repealed.

26 4. Section 35-701, Arizona Revised Statutes, was amended by Laws 2003,  
27 chapter 128, section 1 and Laws 2003, chapter 246, section 3. The chapter  
28 246 version could not be blended because it failed to amend the chapter 128  
29 version, which was an emergency enactment, and therefore did not comply with  
30 article IV, part 2, section 14, Constitution of Arizona. To accomplish the  
31 intent of these enactments, this act amends the Laws 2003, chapter 128  
32 version of section 35-701, Arizona Revised Statutes, to incorporate the  
33 amendments made by Laws 2003, chapter 246 and the chapter 246 version is  
34 repealed.

35 5. Section 36-2983, Arizona Revised Statutes, was amended by Laws  
36 2003, chapter 104, section 20 and Laws 2003, chapter 265, section 36. These  
37 two versions could not be blended because of the delayed effective date of  
38 the chapter 265 version. In order to combine these two versions, this act  
39 amends the Laws 2003, chapter 104 version of section 36-2983, Arizona Revised  
40 Statutes, to incorporate the amendments made by Laws 2003, chapter 265 and  
41 the chapter 265 version is repealed.

42 6. Section 41-2092, Arizona Revised Statutes, was amended by Laws  
43 2003, chapter 79, section 1 and Laws 2003, chapter 168, section 17. These  
44 two versions could not be blended because of the delayed effective date of  
45 the chapter 168 version. In order to combine these two versions, this act

1 amends the Laws 2003, chapter 79 version of section 41-2092, Arizona Revised  
2 Statutes, to incorporate the amendments made by Laws 2003, chapter 168 and  
3 the chapter 168 version is repealed.

4 7. Section 44-1273, Arizona Revised Statutes, was amended by Laws  
5 2003, chapter 237, section 2. However, this version did not reflect the  
6 previous valid version of the section. In order to comply with article IV,  
7 part 2, section 14, Constitution of Arizona, this act amends section 44-1273,  
8 Arizona Revised Statutes, as amended by Laws 2001, chapter 266, section 4,  
9 to incorporate the amendments made by Laws 2003, chapter 237 and the chapter  
10 237 version is repealed.

11 Sec. 2. Section 15-2002, Arizona Revised Statutes, as amended by Laws  
12 2003, chapter 215, section 3, is amended to read:

13 15-2002. Powers and duties; executive director; staffing;  
14 report

15 A. The school facilities board shall:

16 1. Make assessments of school facilities and equipment deficiencies  
17 pursuant to section 15-2021 and approve the distribution of grants as  
18 appropriate.

19 2. Develop a database for administering the building renewal formula  
20 prescribed in section 15-2031 and administer the distribution of monies to  
21 school districts for building renewal.

22 3. Inspect school buildings at least once every five years to ensure  
23 compliance with the building adequacy standards prescribed in section 15-2011  
24 and routine preventative maintenance guidelines as prescribed in this section  
25 with respect to construction of new buildings and maintenance of existing  
26 buildings. The school facilities board shall randomly select twenty school  
27 districts every thirty months and inspect them pursuant to this paragraph.

28 4. Review and approve student population projections submitted by  
29 school districts to determine to what extent school districts are entitled  
30 to monies to construct new facilities pursuant to section 15-2041. The board  
31 shall make a final determination within six months of the receipt of an  
32 application by a school district for monies from the new school facilities  
33 fund.

34 5. Certify that plans for new school facilities meet the building  
35 adequacy standards prescribed in section 15-2011.

36 6. Develop prototypical elementary and high school designs. The board  
37 shall review the design differences between the schools with the highest  
38 academic productivity scores and the schools with the lowest academic  
39 productivity scores. The board shall also review the results of a valid and  
40 reliable survey of parent quality rating in the highest performing schools  
41 and the lowest performing schools in this state. The survey of parent  
42 quality rating shall be administered by the department of education. The  
43 board shall consider the design elements of the schools with the highest  
44 academic productivity scores and parent quality ratings in the development  
45 of elementary and high school designs. The board shall develop separate

1 school designs for elementary, middle and high schools with varying pupil  
2 capacities.

3 7. Develop application forms, reporting forms and procedures to carry  
4 out the requirements of this article.

5 8. Review and approve or reject requests submitted by school districts  
6 to take actions pursuant to section 15-341, subsection F.

7 9. Submit an annual report by December 15 to the speaker of the house  
8 of representatives, the president of the senate, the superintendent of public  
9 instruction, the director of the Arizona state library, archives and public  
10 records and the governor that includes the following information:

11 (a) A detailed description of the amount of monies distributed by the  
12 school facilities board in the previous fiscal year.

13 (b) A list of each capital project that received monies from the  
14 school facilities board during the previous fiscal year, a brief description  
15 of each project that was funded and a summary of the board's reasons for the  
16 distribution of monies for the project.

17 (c) A summary of the findings and conclusions of the building  
18 maintenance inspections conducted pursuant to this article during the  
19 previous fiscal year.

20 (d) A summary of the findings of common design elements and  
21 characteristics of the highest performing schools and the lowest performing  
22 schools based on academic productivity including the results of the parent  
23 quality rating survey.

24 For the purposes of this paragraph, "academic productivity" means academic  
25 year advancement per calendar year as measured with student-level data using  
26 the statewide nationally standardized norm-referenced achievement test.

27 10. By December 1 of each even-numbered year, report to the joint  
28 committee on capital review the estimated amounts necessary to fulfill the  
29 requirements of sections 15-2021, 15-2022, 15-2031 and 15-2041 for the  
30 following two fiscal years YEAR. ~~By December 1 of each odd-numbered year,~~  
31 ~~the board shall provide to the joint committee on capital review an update~~  
32 ~~of AND the estimated amounts necessary to fulfill the requirements of~~  
33 ~~sections 15-2021, 15-2022, 15-2031 and 15-2041 for the following fiscal year~~  
34 ~~FOLLOWING THE NEXT FISCAL YEAR.~~ No later than January 1 of each year, the  
35 board shall instruct the state treasurer as to the amounts under the  
36 transaction privilege tax to be credited in equal quarterly installments for  
37 the following state fiscal year. The board shall provide copies of both  
38 reports to the president of the senate, the speaker of the house of  
39 representatives and the governor.

40 11. Adopt minimum school facility adequacy guidelines to provide the  
41 minimum quality and quantity of school buildings and the facilities and  
42 equipment necessary and appropriate to enable pupils to achieve the  
43 educational goals of the Arizona state schools for the deaf and the  
44 blind. The school facilities board shall establish minimum school facility

1 adequacy guidelines applicable to the Arizona state schools for the deaf and  
2 the blind by December 31, 2000.

3 12. Beginning August 15, 2004, and each even-numbered year thereafter,  
4 report to the joint committee on capital review the amounts necessary to  
5 fulfill the requirements of sections 15-2031 and 15-2041 for the Arizona  
6 state schools for the deaf and the blind for the following two fiscal years.  
7 Notwithstanding paragraph 10 of this subsection or any other law, the school  
8 facilities board shall not include these amounts in the building renewal or  
9 new school facilities transfer instructions to the state treasurer. The  
10 Arizona state schools for the deaf and the blind shall incorporate the  
11 findings of the report in any request for building renewal monies and new  
12 school facilities monies. Any monies provided to the Arizona state schools  
13 for the deaf and the blind for building renewal and for new school facilities  
14 are subject to legislative appropriation.

15 13. By October 15 of each year, the school facilities board shall  
16 submit information regarding demographic assumptions, a proposed construction  
17 schedule and new school construction cost estimates for the following fiscal  
18 year to the joint committee on capital review for its review.

19 B. The school facilities board may contract for private services in  
20 compliance with the procurement practices prescribed in title 41, chapter 23.

21 C. The governor shall appoint an executive director of the school  
22 facilities board pursuant to section 38-211. The executive director is  
23 eligible to receive compensation as determined pursuant to section 38-611 and  
24 may hire and fire necessary staff as approved by the legislature in the  
25 budget. The executive director shall have demonstrated competency in school  
26 finance, facilities design or facilities management, either in private  
27 business or government service. The executive director serves at the  
28 pleasure of the governor. The staff of the school facilities board is exempt  
29 from title 41, chapter 4, articles 5 and 6. The executive director:

30 1. Shall analyze applications for monies submitted to the board by  
31 school districts.

32 2. Shall assist the board in developing forms and procedures for the  
33 distribution and review of applications and the distribution of monies to  
34 school districts.

35 3. May review or audit, or both, the expenditure of monies by a school  
36 district for deficiencies corrections, building renewal and new school  
37 facilities.

38 4. Shall assist the board in the preparation of the board's annual  
39 report.

40 5. Shall research and provide reports on issues of general interest  
41 to the board.

42 6. May aid school districts in the development of reasonable and  
43 cost-effective school designs in order to avoid statewide duplicated efforts  
44 and unwarranted expenditures in the area of school design.

1       7. May assist school districts in facilitating the development of  
2 multijurisdictional facilities.

3       8. Shall assist the board in any other appropriate matter or method  
4 as directed by the members of the board.

5       9. Shall establish procedures to ensure compliance with the notice and  
6 hearing requirements prescribed in section 15-905. The notice and hearing  
7 procedures adopted by the board shall include the requirement, with respect  
8 to the board's consideration of any application filed after July 1, 2001 for  
9 monies to fund the construction of new school facilities proposed to be  
10 located in territory in the vicinity of a military airport as defined in  
11 section 28-8461, that the military airport receive notification of the  
12 application by first class mail at least thirty days before any hearing  
13 concerning the application.

14       10. May expedite any request for funds in which the local match was not  
15 obtained for a project that received preliminary approval by the state board  
16 for school capital facilities.

17       11. Shall expedite any request for funds in which the school district  
18 governing board submits an application that shows an immediate need for a new  
19 school facility.

20       12. Shall make a determination as to administrative completion within  
21 one month after the receipt of an application by a school district for monies  
22 from the new school facilities fund.

23       13. Shall provide technical support to school districts as requested  
24 by school districts in connection with the construction of new school  
25 facilities and the maintenance of existing school facilities.

26       D. When appropriate, the school facilities board shall review and use  
27 the statewide school facilities inventory and needs assessment conducted by  
28 the joint committee on capital review and issued in July, 1995.

29       E. The school facilities board shall contract with one or more private  
30 building inspectors to complete an initial assessment of school facilities  
31 and equipment provided in section 15-2021 and shall inspect each school  
32 building in this state at least once every five years to ensure compliance  
33 with section 15-2011. A copy of the inspection report, together with any  
34 recommendations for building maintenance, shall be provided to the school  
35 facilities board and the governing board of the school district.

36       F. The school facilities board may consider appropriate combinations  
37 of facilities or uses in making assessments of and curing deficiencies  
38 pursuant to subsection A, paragraph 1 of this section and in certifying plans  
39 for new school facilities pursuant to subsection A, paragraph 5 of this  
40 section.

41       G. The board shall not award any monies to fund new facilities that  
42 are financed by class A bonds that are issued by the school district.

43       H. The board shall not distribute monies to a school district for  
44 replacement or repair of facilities if the costs associated with the

1 replacement or repair are covered by insurance or a performance or payment  
2 bond.

3 I. The board may contract for construction services and materials that  
4 are necessary to correct existing deficiencies in school district facilities  
5 as determined pursuant to section 15-2021. The board may procure the  
6 construction services necessary pursuant to this subsection by any method  
7 including construction-manager-at-risk, design-build, design-bid-build or  
8 job-order-contracting as provided by title 41, chapter 23. The construction  
9 planning and services performed pursuant to this subsection are exempt from  
10 section 41-791.01.

11 J. The school facilities board may enter into agreements with school  
12 districts to allow school facilities board staff and contractors access to  
13 school property for the purposes of performing the construction services  
14 necessary pursuant to subsection I of this section.

15 K. By October 1, 2002, each school district shall develop routine  
16 preventative maintenance guidelines for its facilities. The guidelines shall  
17 be submitted to the school facilities board for review and approval by  
18 February 1, 2003. If upon inspection by the school facilities board it is  
19 determined that a school district facility was inadequately maintained  
20 pursuant to the school district's routine preventative maintenance  
21 guidelines, the school district shall use building renewal monies pursuant  
22 to section 15-2031, subsection J to return the building to compliance with  
23 the school district's routine preventative maintenance guidelines. Once the  
24 district is in compliance, it no longer is required to use building renewal  
25 monies for preventative maintenance.

26 L. The school facilities board may temporarily transfer monies between  
27 the capital reserve fund established by section 15-2003, the deficiencies  
28 correction fund established by section 15-2021, the emergency deficiencies  
29 correction fund established by section 15-2022, the building renewal fund  
30 established by section 15-2031 and the new school facilities fund established  
31 by section 15-2041 if all of the following conditions are met:

32 1. The transfer is necessary to avoid a temporary shortfall in the  
33 fund into which the monies are transferred.

34 2. The transferred monies are restored to the fund where the monies  
35 originated as soon as practicable after the temporary shortfall in the other  
36 fund has been addressed.

37 3. The school facilities board reports to the joint committee on  
38 capital review the amount of and the reason for any monies transferred.

39 Sec. 3. Repeal

40 Section 15-2002, Arizona Revised Statutes, as amended by Laws 2003,  
41 chapter 264, section 9, is repealed.

1       Sec. 4. Section 20-167, Arizona Revised Statutes, as amended by Laws  
2       2002, chapter 132, section 1 and chapter 214, section 1, is amended to read:  
3       20-167. Fees

4       A. The director shall collect in advance the following fees, as  
5       adjusted pursuant to subsection F of this section, which are nonrefundable  
6       on payment:

	Not Less Than:	Not More Than:
1. For filing charter documents:		
(a) Original charter documents, articles of incorporation, bylaws, or record of organization of insurers, or certified copies thereof, required to be filed with the director and not also subject to filing in the office of the corporation commission	\$ 40.00	\$ 115.00
(b) Amended charter documents	15.00	45.00
(c) No charge or fee shall be required for filing with the director any of such documents also required by law to be filed in the office of the corporation commission		
2. Certificate of authority:		
(a) Issuance:		
Fraternal benefit societies	\$ 15.00	\$ 45.00
Medical or hospital service corporations, health care services organizations or prepaid dental plan organizations	40.00	115.00
Medical MECHANICAL reimbursement reinsurers	150.00	450.00
All other insurers	100.00	295.00
(b) Renewal:		
Fraternal benefit societies	15.00	45.00
Medical or hospital service corporations, health care services organizations or prepaid dental plan organizations	40.00	115.00

1	Domestic stock life insurers,		
2	domestic stock disability		
3	insurers or domestic stock		
4	life and disability insurers	750.00	2,250.00
5	Domestic life reinsurers,		
6	domestic disability reinsurers		
7	or domestic life and		
8	disability reinsurers	\$2,250.00	\$5,500.00
9	Mechanical reimbursement		
10	reinsurers	2,250.00	5,500.00
11	All other insurers	70.00	205.00
12	3. Certificate of registration as an		
13	administrator or application for		
14	renewal under section 20-485.12	\$ 100.00	\$ 295.00
15	4. Authority to solicit applications		
16	for and issue policies by means		
17	of mechanical vending machines	\$ 30.00	\$ 90.00
18	5. Service company permit	\$ 150.00	\$ 450.00
19	6. Application for motor vehicle		
20	service contract program approval	\$ 150.00	\$ 450.00
21	7. Life care contract application		
22	or annual report	\$ 225.00	\$ 675.00
23	8. Filing annual statement	150.00	450.00
24	9. Annual statement filing for exempt		
25	insurer transacting life insurance,		
26	disability insurance or annuity		
27	business pursuant to section		
28	20-401.05	\$ 65.00	\$ 100.00
29	10. Licenses and examinations:		
30	(a) Licenses:		
31	Surplus lines broker's license,		
32	biennially	300.00	900.00
33	All other licenses, biennially	30.00	90.00
34	(b) Examinations for license:		
35	Examination on laws and one kind		
36	of insurance	8.00	25.00
37	Examination on laws and two or		
38	more kinds of insurance	15.00	45.00
39	11. Miscellaneous:		
40	Fee accompanying service of		
41	process upon director	\$ 8.00	\$ 25.00
42	Certificate of director, under seal	1.50	5.00
43	Copy of document filed in director's		
44	office, per page	0.50	0.75

1           B. EXCEPT AS PROVIDED IN SECTION 20-1098.18, the director shall  
2 deposit, pursuant to sections 35-146 and 35-147, all fees collected pursuant  
3 to this section in the state general fund. A refund is not allowed for any  
4 unused portion of a fee, and the director shall not prorate fees.

5           C. The license fees prescribed by this section shall be payment in  
6 full of all demands for all state, county, district and municipal license  
7 fees, license taxes, business privilege taxes and business privilege fees and  
8 charges of every kind.

9           D. Each domestic stock life or disability insurer that pays the  
10 renewal fee required under subsection A of this section is entitled to a  
11 credit in the amount of at least four hundred fifty-five dollars but not more  
12 than six hundred eighty dollars, as adjusted pursuant to subsection F of this  
13 section, to apply to the premium tax the insurer then owes pursuant to  
14 section 20-224, but the credit is not cumulative.

15           E. The director may contract for the examination for the licensing of  
16 adjusters, insurance producers, bail bond agents, risk management consultants  
17 and surplus lines brokers. If the director does so, the fee for examinations  
18 for licenses pursuant to this section is payable directly to the contractor  
19 by the applicant for examination. The director may agree to a reasonable  
20 examination fee to be charged by the contractor. The fee may exceed the  
21 amounts prescribed in this section.

22           F. Each December 1, if the revenue collected from fees during the  
23 prior fiscal year is less than ninety-five per cent or more than one hundred  
24 ten per cent of the appropriated budget for the current fiscal year, the  
25 director shall revise all fees within the limits prescribed by subsection A  
26 of this section on a uniform percentage basis among all fee categories and  
27 shall adjust the credit prescribed by subsection D of this section as  
28 necessary in order to retain any required uniformity. The director shall  
29 revise the fees in such a manner that the revenue derived from the fees  
30 during the subsequent fiscal year equals at least ninety-five per cent but  
31 not more than one hundred ten per cent of the appropriated budget for the  
32 current fiscal year. The revised fee schedule shall be effective July 1 of  
33 the subsequent fiscal year. For the purposes of this subsection,  
34 appropriated budget does not include any appropriation for the operation of  
35 the captive insurance program established under chapter 4, article 14 of this  
36 title. Any fees collected from captive insurers pursuant to subsection H of  
37 this section shall not be counted for the purpose of meeting the requirement  
38 of this section to recover at least ninety-five but not more than one hundred  
39 ten per cent of the department's appropriated budget.

40           G. The director may contract with a voluntary domestic organization  
41 of surplus lines brokers to perform any transaction prescribed in chapter 2,  
42 article 5 of this title, including the acceptance or maintenance of the  
43 reports required by section 20-408. The director may allow the contractor  
44 to charge a stamping fee. The surplus lines broker shall pay the stamping  
45 fee established pursuant to this section directly to the contractor.

H. Captive insurers shall pay certificate of authority issuance and renewal fees as prescribed by the director.

I. For the purposes of subsection G of this section, "stamping fee" means a reasonable filing fee charged by a contractor for any transaction prescribed in chapter 2, article 5 of this title, including the acceptance or maintenance of the reports required by section 20-408.

Sec. 5. Repeal

Section 20-167, Arizona Revised Statutes, as amended by Laws 2003, chapter 242, section 1, is repealed.

Sec. 6. Section 22-281, Arizona Revised Statutes, as amended by Laws 2002, chapter 291, section 11 and chapter 309, section 3, is amended to read:

22-281. Fees and deposits

A. Justices of the peace shall receive fees established and classified as follows in civil actions:

Class	Description	Fee
A	Initial case filing fee	
	Civil filing fees	\$ 45.00
B	Subsequent case filing fee	
	Civil filing fees - defendant	\$ 24.00
C	Initial case filing fee	
	Forcible entry and detainer filings	\$ 21.00
	Small claims filing	16.00
D	Subsequent case filing fee	
	Small claims answer	\$ 9.00
	Forcible entry and detainer filings - defendant	11.00
E	Minimum clerk fee	
	Document and transcript transfer on appeal	\$ 17.00
	Certification of any documents	17.00
	Issuance of writs	17.00
	Filing any paper or performing any act for which a fee is not specifically prescribed	17.00
	Subpoena (civil)	17.00
	Research in locating a document	17.00
	Seal a court file	17.00
	Reopen a sealed court file	17.00
	Record duplication	17.00
F	Per page fee	
	Copies of any documents per page	\$ 0.50
G	Special fees	
	Small claims service by mail	<del>\$ 3.00</del> 8.00

B. This section does not deprive the parties to the action of the privilege of depositing amounts with the justice, in addition to those set forth in this section, for use in connection with the payment of constable's and sheriff's fees for service of process, levying of writs and other services for which fees are otherwise provided by law.

1 C. Excluding the monies that are kept by the court pursuant to  
2 subsection D of this section, justices of the peace shall transmit monthly  
3 to the county treasurer all monies collected pursuant to subsection A of this  
4 section. The county treasurer shall distribute or deposit all of the monies  
5 received pursuant to this subsection as follows:

6 1. 18.39 per cent to the state treasurer for deposit in the judicial  
7 collection enhancement fund established by section 12-113.

8 2. 2.42 per cent to the state treasurer for deposit in the alternative  
9 dispute resolution fund established by section 12-135.

10 3. 71.15 per cent to the county general fund.

11 D. 8.04 per cent of the monies transmitted pursuant to subsection C  
12 of this section shall be kept and used by the court collecting the fees in  
13 the same manner as the seven dollars of the time payment fee prescribed by  
14 section 12-116, subsection B.

15 Sec. 7. Repeal

16 Section 22-281, Arizona Revised Statutes, as amended by Laws 2004,  
17 chapter 3, section 1, is repealed.

18 Sec. 8. Section 35-701, Arizona Revised Statutes, as amended by Laws  
19 2003, chapter 128, section 1, is amended to read:

20 35-701. Definitions

21 In this chapter, unless the context otherwise requires:

22 1. "Corporation" means any corporation organized as an authority as  
23 provided in this chapter.

24 2. "Designated area" means any area of this state which is either  
25 designated pursuant to section 36-1479 as a redevelopment SLUM OR BLIGHTED  
26 area as defined in section 36-1471, designated by regulation as a pocket of  
27 poverty or a neighborhood strategy area by the United States department of  
28 housing and urban development pursuant to title I of the housing and  
29 community development act of 1977 (P.L. 108-6; 42 United States Code sections  
30 5301 through 5320), as amended, and the department of housing and urban  
31 development act (P.L. 108-6; 42 United States Code section 3535(d)),  
32 designated by the United States department of housing and urban development  
33 as an empowerment or enterprise zone pursuant to the federal omnibus budget  
34 and reconciliation act of 1993 (P.L. 108-6; 26 United States Code section  
35 1391(g)), or an area certified as an enterprise zone pursuant to section  
36 41-1524, subsection B.

37 3. "Governing body" means:

38 (a) The board or body in which the general legislative powers of the  
39 municipality or the county are vested.

40 (b) The Arizona board of regents with respect to a corporation formed  
41 with the permission of the Arizona board of regents.

42 4. "Income" means gross earnings from wages, salary, commissions,  
43 bonuses or tips from all jobs, net earnings from such person's or family's  
44 own nonfarm business, professional practice or partnership, and net earnings  
45 from such person's or family's own farm. Income includes income, other than

1 earnings, that consists of amounts received from social security or railroad  
2 retirement, interest, dividends, veterans payments, pensions and other  
3 regular payments, public assistance or welfare payments, including aid for  
4 dependent children, old age assistance, general assistance and aid to the  
5 blind or totally disabled, but excluding separate payments for hospital or  
6 other medical care.

7 5. "Manufactured house" means a structure that is manufactured in a  
8 factory after June 15, 1976, that is delivered to a homesite in more than one  
9 section and that is placed on a permanent foundation. The dimensions of the  
10 completed house shall not be less than twenty feet by forty feet, the roof  
11 must be sloping, the siding and roofing must be the same as those found in  
12 site-built houses and the house must be eligible for thirty year real estate  
13 mortgage financing.

14 6. "Municipality" or "county" means the Arizona board of regents or  
15 any incorporated city or town, including charter cities, or any county in  
16 this state in which a corporation may be organized and in which it is  
17 contemplated the corporation will function.

18 7. "Persons of low and moderate income" means, for the purposes of  
19 financing owner-occupied single family dwelling units in areas which the  
20 municipality has found, pursuant to section 36-1479, to be redevelopment SLUM  
21 OR BLIGHTED areas, as defined in section 36-1471, persons and families whose  
22 income does not exceed two and one-half times the median family income of  
23 this state. In all other areas it means persons and families whose income  
24 does not exceed one and one-half times the median family income of this  
25 state.

26 8. "Project" means any land, any building or any other improvement and  
27 all real and personal properties, including machinery and equipment whether  
28 or not now in existence or under construction and whether located within or  
29 without the municipality or county approving the formation of the  
30 corporation, that are suitable for any of the following:

31 (a) With respect to a corporation formed with the permission of a  
32 municipality or county other than the Arizona board of regents:

33 (i) Any enterprise for the manufacturing, processing or assembling of  
34 any agricultural or manufactured products.

35 (ii) Any commercial enterprise for the storing, warehousing,  
36 distributing or selling of products of agriculture, mining or industry, or  
37 of processes related thereto, including research and development.

38 (iii) Any office building or buildings for use as corporate or company  
39 headquarters or regional offices or the adaptive use for offices of any  
40 building within this state that is on the national register of historic  
41 places or rehabilitation of residential buildings located in registered  
42 historic neighborhoods.

43 (iv) A health care institution as defined in section 36-401.

44 (v) Residential real property for dwelling units located within the  
45 municipality or county approving the formation of the corporation and, in the

1 case of a county, whether or not also within a municipality that is within  
2 the county.

3 (vi) Repairing or rehabilitating single family dwelling units or  
4 constructing or repairing residential fences and walls.

5 (vii) Convention or trade show facilities.

6 (viii) Airports, docks, wharves, mass commuting facilities, parking  
7 facilities or storage or training facilities directly related to any of the  
8 facilities as provided in this item.

9 (ix) Sewage or solid waste disposal facilities or facilities for the  
10 furnishing of electric energy, gas or water.

11 (x) Industrial park facilities.

12 (xi) Air or water pollution control facilities.

13 (xii) Any educational institution that is operated by a nonprofit  
14 educational organization that is exempt from taxation under section 501(c)(3)  
15 of the United States internal revenue code and that is not otherwise funded  
16 by state monies, any educational institution or organization that is  
17 established under title 15, chapter 1, article 8 and that is owned by a  
18 nonprofit organization, any private nonsectarian school or any private  
19 nonsectarian organization established for the purpose of funding a joint  
20 technological education school district.

21 (xiii) Research and development facilities.

22 (xiv) Commercial enterprises, including facilities for office,  
23 recreational, hotel, motel and service uses if the facilities authorized by  
24 this item are to be located in a designated area.

25 (xv) A child welfare agency, as defined in section 8-501, owned and  
26 operated by a nonprofit organization.

27 (xvi) A transportation facility constructed or operated pursuant to  
28 title 28, chapter 22, article 1 or 2.

29 (xvii) A museum operated by a nonprofit organization.

30 (xviii) Facilities owned or operated by a nonprofit organization  
31 described in section 501(c) of the United States internal revenue code of  
32 1986 that is primarily engaged in delivering community services on that  
33 property consisting of fitness programs, camping programs, health and  
34 recreation services, youth programs, child care, senior citizen programs,  
35 individual and family counseling, employment and training programs, services  
36 for individuals with disabilities, meals, feeding programs or disaster  
37 relief.

38 (xix) New or existing correctional facilities that contract  
39 exclusively with the state department of corrections or the department of  
40 juvenile corrections for the housing of inmates or committed youths.

41 (b) With respect to a corporation formed with the permission of the  
42 Arizona board of regents, any facility consisting of classrooms, lecture  
43 halls or conference centers or any facility for research and development or  
44 for manufacturing, processing, assembling, marketing, storing and  
45 transferring items developed through or connected with research and

1 development or in which the results of such research and development are  
2 utilized, but only if the facility is located in an area designated as a  
3 research park by the Arizona board of regents.

4 9. "Property" means any land, improvements thereon, buildings and any  
5 improvements thereto, machinery and equipment of any and all kinds necessary  
6 to a project and any other personal properties deemed necessary in connection  
7 with a project.

8 10. "Research park" means an area of land that has been designated by  
9 the Arizona board of regents as a research park for a university and that,  
10 at the date of designation, is owned by this state or by the Arizona board  
11 of regents.

12 11. "Single family dwelling unit" includes any new, used or  
13 manufactured house that meets the insuring requirements of the federal  
14 housing administration, the veterans administration or any other insuring  
15 entity of the United States government or any private mortgage insurance or  
16 surety company that is approved by the federal home loan mortgage corporation  
17 or the federal national mortgage association.

18 Sec. 9. Repeal

19 Section 35-701, Arizona Revised Statutes, as amended by Laws 2003,  
20 chapter 246, section 3, is repealed.

21 Sec. 10. Section 36-2983, Arizona Revised Statutes, as amended by Laws  
22 2003, chapter 104, section 20, is amended to read:

23 36-2983. Eligibility for the program

24 A. The administration shall establish a streamlined eligibility  
25 process for applicants to the program and shall issue a certificate of  
26 eligibility at the time eligibility for the program is determined.  
27 Eligibility shall be based on gross household income for a member as defined  
28 in section 36-2981. ~~and for parents of children enrolled in the children's~~  
29 ~~health insurance program pursuant to section 36-2981.01. Eligibility for a~~  
30 ~~parent who has a child enrolled in article 1 of this chapter but who is~~  
31 ~~eligible pursuant to section 36-2981.01 shall be based on requirements~~  
32 ~~established by the administration. The administration shall not apply a~~  
33 ~~resource test in the eligibility determination or redetermination process.~~

34 B. The administration shall use a simplified eligibility form that may  
35 be mailed to the administration. Once a completed application is received,  
36 including adequate verification of income, the administration shall expedite  
37 the eligibility determination and enrollment on a prospective basis.

38 C. The date of eligibility is the first day of the month following a  
39 determination of eligibility if the decision is made by the twenty-fifth day  
40 of the month. A person who is determined eligible for the program after the  
41 twenty-fifth day of the month is eligible for the program the first day of  
42 the second month following the determination of eligibility.

43 D. An applicant for the program who appears to be eligible pursuant  
44 to section 36-2901, paragraph 6, subdivision (a) shall have a social security

1 number or shall apply for a social security number within thirty days after  
2 the applicant submits an application for the program.

3 E. In order to be eligible for the program, a person shall be a  
4 resident of this state and shall meet title XIX requirements for United  
5 States citizenship or qualified alien status in the manner prescribed in  
6 section 36-2903.03.

7 F. In determining the eligibility for all qualified aliens pursuant  
8 to this article, the income and resources of a person who executed an  
9 affidavit of support pursuant to section 213A of the immigration and  
10 nationality act on behalf of the qualified alien and the income and resources  
11 of the spouse, if any, of the sponsoring individual shall be counted at the  
12 time of application and for the redetermination of eligibility for the  
13 duration of the attribution period as specified in federal law.

14 G. Pursuant to federal law, a person is not eligible for the program  
15 if that person is:

16 1. Eligible for title XIX, ~~except for a person who is eligible~~  
17 ~~pursuant to section 36-2981.01~~, or other federally operated or financed  
18 health care insurance programs, except the Indian health service.

19 2. Covered by any group health plan or other health insurance coverage  
20 as defined in section 2791 of the public health service act. Group health  
21 plan or other health insurance coverage does not include coverage to persons  
22 who are defined as eligible pursuant to the premium sharing program.

23 3. A member of a family that is eligible for health benefits coverage  
24 under a state health benefit plan based on a family member's employment with  
25 a public agency in this state.

26 4. An inmate of a public institution or a patient in an institution  
27 for mental diseases. This paragraph does not apply to services furnished in  
28 a state operated mental hospital or to residential or other twenty-four hour  
29 therapeutically planned structured services.

30 H. A child who is covered under an employer's group health insurance  
31 plan or through family or individual health care coverage shall not be  
32 enrolled in the program. If the health insurance coverage is voluntarily  
33 discontinued for any reason, except for the loss of health insurance due to  
34 loss of employment or other involuntary reason, the child is not eligible for  
35 the program for a period of three months from the date that the health care  
36 coverage was discontinued. The administration may waive the three month  
37 period for any child who is seriously or chronically ill. For the purposes  
38 of the waiver, "chronically ill" means a medical condition that requires  
39 frequent and ongoing treatment and that if not properly treated will  
40 seriously affect the child's overall health. The administration shall  
41 establish rules to further define conditions that constitute a serious or  
42 chronic illness.

43 I. Pursuant to federal law, a private insurer, as defined by the  
44 secretary of the United States department of health and human services, shall

not limit enrollment by contract or any other means based on the presumption that a child may be eligible for the program.

Sec. 11. Repeal

Section 36-2983, Arizona Revised Statutes, as amended by Laws 2003, chapter 265, section 36, is repealed.

Sec. 12. Section 41-2092, Arizona Revised Statutes, as amended by Laws 2003, chapter 79, section 1, is amended to read:

41-2092. Licensing fees

A. The following fees shall be paid to the department as license fees for devices used for commercial purposes:

Schedules of Fees

1. Weighing devices:

0 - 500 pounds capacity (or metric equivalent)	\$	12.00
501 - 2,000 pounds capacity		18.00
2,001 - 7,500 pounds capacity		36.00
7,501 - 20,000 pounds capacity		80.00
20,001 - 60,000 pounds capacity		120.00
60,001 pounds capacity and over		180.00

2. Liquid metering devices (meters) other than for liquid petroleum gas and utility meters:

maximum 12 gallons per minute and under	12.00
maximum 13 - 150 gallons per minute	36.00
maximum 151 - 500 gallons per minute	90.00
maximum 501 - 1,000 gallons per minute	138.00
maximum 1,001 gallons per minute and over	168.00

3. Motor fuel devices (dispensers) other than for liquid petroleum gas (not including satellite hoses or nozzles):

	Standard	Stage II
each meter	15.00	30.00
each blending valve	15.00	30.00
high volume (over 19 gallons per minute)		
diesel per hose and nozzle		15.00
keylock, limited access, with accumulators,		
per hose and nozzle		22.50
remote indicator and control unit (no hoses		
or nozzles) (accessory only)		22.50

4. Liquid measuring devices for liquid petroleum gas (meters):

small bottle fill measuring devices	24.00
motor fuel measuring devices, uncompensated	24.00
motor fuel measuring devices, temperature	
compensating, including compressed natural	
gas filling devices	48.00
motor fuel measuring devices, keylocks	48.00

1	3/4" and 1" meters, uncompensated	48.00
2	1 1/4", 1/2" and 1 3/4" meters, uncompensated	72.00
3	2" meters and larger, uncompensated	72.00
4	3/4" and 1" meters, temperature compensating	54.00
5	1 1/4", 1/2" and 1 3/4" meters, temperature	
6	compensating	90.00
7	2" meters and larger, temperature compensating	96.00
8	5. Linear measuring devices:	
9	all linear measuring mechanical devices	24.00
10	6. Time measuring devices:	
11	all time measuring mechanical, electrical and	
12	electronic devices	24.00
13	7. Counting devices:	
14	all mechanical and electronic counting devices	12.00
15	B. Testing, inspection, certification and calibration fees shall be	
16	paid pursuant to the fee schedule set forth in subsection A or the rules of	
17	the department. The department shall waive license fees for customer parking	
18	time measuring meters owned by municipalities.	
19	C. Issuance or renewal of license as:	
20	1. Public weighmaster	48.00
21	2. Registered service agency	24.00
22	3. Registered service representative	4.80
23	D. The fees set forth in this section are the maximum amounts that may	
24	be charged, but the director, at the director's discretion, may reduce the	
25	fees to any amount the director deems necessary.	
26	E. The director may prorate the fees set forth in this section for	
27	partial year application.	
28	F. If a person fails to pay a license, permit or certification fee on	
29	or before the date the fee is due, the department shall impose a penalty	
30	equal to twenty per cent of the fee. For each thirty day period after the	
31	date the fee is due, the department shall impose an additional penalty equal	
32	to twenty per cent of the fee. If a person fails to pay a license, permit	
33	or certification fee and all related penalties for ninety days after the fee	
34	is due, the department shall cancel the license, permit or certification.	
35	<del>6. For the purposes of this section:</del>	
36	<del>1. "Taxicab" means a motor vehicle that has a driver for hire, that</del>	
37	<del>has a seating capacity of less than seven passengers and that is not operated</del>	
38	<del>on a regular route.</del>	
39	<del>2. "Time measuring devices" and "linear measuring devices" do not</del>	
40	<del>include odometers except when utilized as the device on which a charge is</del>	
41	<del>determined in the operation of a taxicab.</del>	
42	Sec. 13. <u>Repeal</u>	
43	Section 41-2092, Arizona Revised Statutes, as amended by Laws 2003,	
44	chapter 168, section 17, is repealed.	

1       Sec. 14. Section 44-1273, Arizona Revised Statutes, as amended by Laws  
2 2001, chapter 266, section 4, is amended to read:

3       44-1273. Limited exemptions

4       A. The following sellers are not required to register and, except for  
5 section 44-1278, subsection B AND SECTION 44-1282, are exempt from this  
6 article:

7       1. A person acting within the scope of a license issued under  
8 title 20.

9       2. A person who is registered with the secretary of state pursuant to  
10 section 44-6552 or who is exempt from registration pursuant to section  
11 44-6553.

12       3. A person making telephone solicitations without the intent to  
13 complete and who does not complete the sales presentation during the  
14 telephone solicitation but completes the sales presentation at a later  
15 face-to-face meeting between the solicitor and the consumer provided that the  
16 later face-to-face meeting is not for the purpose of collecting the payment  
17 or delivering any item purchased.

18       4. A person who after making a telephone contact with a consumer sends  
19 the consumer descriptive literature and does not require payment before the  
20 consumer's review of the descriptive literature and the person is not  
21 conducting a solicitation involving any of the following:

22       (a) The sale of an investment or an opportunity for an investment that  
23 is not registered with any state or federal authority.

24       (b) A prize promotion or premium.

25       (c) A recovery service.

26       5. A person or solicitor for a person who operates a retail business  
27 establishment under the same name as the name used in the solicitation of  
28 sales by telephone, if on a continuing basis all of the following apply:

29       (a) Merchandise is displayed and offered for sale or services are  
30 offered for sale and provided at the person's business establishment.

31       (b) At least fifty per cent of the person's business involves the  
32 buyer obtaining the merchandise at the person's business establishment.

33       (c) The person holds a transaction privilege tax license pursuant to  
34 title 42, chapter 5.

35       6. A person or solicitor for a person soliciting another business if  
36 all of the following occur:

37       (a) At least fifty per cent of the person's dollar volume consists of  
38 repeat sales to existing businesses.

39       (b) The person does not conduct a prize promotion that requires or  
40 implies that to win a consumer must pay money or purchase merchandise.

41       (c) Neither the person nor any of the person's principals has within  
42 twenty years been convicted in any state of a felony or crime of moral  
43 turpitude, breach of trust, fraud, theft, dishonesty or violation of  
44 telephone solicitation laws, been subject to a final judgment in a civil  
45 action involving fraud, deceit or misrepresentation or been subject to an

1 administrative order involving fraud, deceit, misrepresentation or any  
2 violation of telephone solicitations laws of any agency of this state,  
3 another state, the federal government, a territory of the United States or  
4 another country.

5 7. A person or solicitor on behalf of a person who solicits sales by  
6 periodically publishing and delivering a catalog to consumers if all of the  
7 following apply:

8 (a) The catalog contains a written description or illustration of each  
9 item offered for sale and the price of each item offered for sale.

10 (b) The catalog includes the business address or home office address  
11 of the person.

12 (c) The catalog includes at least twenty-four pages of written  
13 material and illustrations.

14 (d) The catalog is distributed in more than one state and has an  
15 annual circulation by mail of at least two hundred fifty thousand.

16 B. The following sellers shall file a limited registration statement  
17 pursuant to section 44-1272.01 and, except for section SECTIONS 44-1278 AND  
18 44-1282, are exempt from this article:

19 1. A person acting within the scope of a license issued under title  
20 6 or 32 or by the corporation commission pursuant to this title, except  
21 persons licensed under title 6, chapter 13.

22 2. If soliciting within the scope of the license, any licensed  
23 securities, commodities or investments broker or dealer or investment advisor  
24 or any licensed associated person of a securities, commodities or investments  
25 broker or dealer or investment advisor.

26 3. An issuer or a subsidiary of an issuer that has a class of  
27 securities that is subject to section 12 of the securities exchange act of  
28 1934 (15 United States Code sections 78a through 78i) and that is  
29 either registered or exempt from registration under paragraph (A), (B), (C),  
30 (E), (F), (G) or (H) or subsection (g) (2) of section 12 of the act. A  
31 subsidiary of an issuer that qualifies for exemption under this paragraph is  
32 not exempt unless at least sixty per cent of the voting power of the  
33 subsidiary's shares is owned by the qualifying issuer or issuers.

34 4. A person certificated or regulated by the corporation commission  
35 pursuant to title 40, chapter 2 or a subsidiary of that person or a federal  
36 communications commission licensed cellular telephone company or radio  
37 telecommunication services provider.

38 5. A person making telephone solicitations for a newspaper of general  
39 circulation, a magazine or a licensed or franchised cable television system.

40 6. An issuer or subsidiary of an issuer that is subject to  
41 registration under chapter 12, article 6 or 7 of this title or that is exempt  
42 from registration under section 44-1843, subsection A, paragraph 1, 2, 3, 4,  
43 5, 7 or 9.

44 7. A person making telephone solicitations for the sale or purchase  
45 of books, recordings, videocassettes and similar goods through a membership

1 group or club regulated by the federal trade commission or through a  
2 contractual plan or arrangement such as a continuity plan, subscription  
3 arrangement, series arrangement or single purchase under which the seller  
4 ships goods to a consumer who has consented in advance to receive those goods  
5 and the recipient is given the opportunity to review goods for at least seven  
6 days and to receive a full refund for return of undamaged goods.

7 8. A person or solicitor for a person when soliciting previous  
8 customers, if all of the following apply:

9 (a) The person is not offering to sell or selling a security that is  
10 not registered with any state or federal authority.

11 (b) The person makes the solicitation under the same name as the name  
12 used to sell merchandise to the customer previously.

13 (c) The person does not operate a recovery service.

14 (d) The person does not conduct a prize promotion that requires a  
15 consumer to, or implies that to win a consumer must, pay money or purchase  
16 merchandise.

17 (e) The person has not, or any of its principals have not, within  
18 twenty years been convicted in any state of a felony or a crime of moral  
19 turpitude, breach of trust, fraud, theft, dishonesty or A violation of  
20 telephone solicitation laws, been subject to a final judgment in a civil  
21 action involving fraud, deceit or misrepresentation or been subject to an  
22 administrative order involving fraud, deceit, misrepresentation or any  
23 violation of telephone solicitation laws of any agency of this state, another  
24 state, the federal government, a territory of the United States or another  
25 country.

26 9. A person making telephone solicitations exclusively for the purpose  
27 of the sale of telephone answering services to be provided by that person or  
28 that person's employer.

29 10. Any bank holding company, bank, financial institution, trust  
30 company, savings and loan association, credit union, mortgage banker or  
31 broker, consumer lender or insurer that is licensed or supervised by an  
32 official or agency of this state, any other state or the United States,  
33 including any parent, subsidiary or affiliate of these institutions.

34 11. A person providing telemarketing sales service continuously for at  
35 least five years under the same ownership and control that derives  
36 seventy-five per cent of its gross telemarketing sales revenues from  
37 contracts with persons exempted by this section. A seller using an exempt  
38 telemarketing sales service is not exempt unless otherwise qualifying for an  
39 exemption under this section.

40 C. On request by the secretary of state, the director of the  
41 department of insurance shall provide a current list in a mutually acceptable  
42 electronic format to the secretary of state of the requested licensees  
43 described in subsection A, paragraph 1 of this section that includes all of  
44 the following information:

45 1. The true legal name of the seller.

1           2. All of the names under which the seller is doing business or  
2 intends to do business.

3           3. The complete street address of the physical location of the  
4 principal place of business of the seller and the telephone number for the  
5 location.

6           4. The name and address of the seller's agent who is authorized to  
7 receive service of process in this state.

8           D. In any civil proceeding alleging a violation of this article, the  
9 burden of proving an exemption or an exception from a definition is on the  
10 person claiming the exemption or exception. In any criminal proceeding in  
11 which a violation of this article is alleged, the burden of producing  
12 evidence to support a defense based on an exemption or an exception from a  
13 definition is on the person claiming the exemption or exception.

14           E. Any person or solicitor exempted in part from this article by this  
15 section shall not make or submit a charge to a consumer's credit card account  
16 or a consumer's checking, savings, share or similar account unless any of the  
17 following apply:

18           1. The person provides that the consumer may receive a full refund for  
19 the return of undamaged and unused goods or a cancellation of services by  
20 providing notice to the person within seven days after the date that the  
21 consumer receives the merchandise and the person processes:

22           (a) A full refund within thirty days after the date that the person  
23 receives the returned merchandise from the consumer.

24           (b) A full refund within thirty days after the purchaser of services  
25 cancels an order for the services or a pro rata refund for any services not  
26 yet performed for the consumer.

27           2. The person provides the consumer with a signed copy of a written  
28 contract that includes the person's name, address and business telephone  
29 number and that fully describes the merchandise offered by the person, the  
30 total price to be charged by the person and any terms or conditions affecting  
31 the sale.

32           3. The person is an organization that is registered with the secretary  
33 of state pursuant to section 44-6552 or that is exempt from registration  
34 pursuant to section 44-6553.

35           Sec. 15. Repeal

36           Section 44-1273, Arizona Revised Statutes, as amended by Laws 2003,  
37 chapter 237, section 2, is repealed.

38           Sec. 16. Retroactive application

39           A. Sections 2, 3, 4, 5, 8, 9, 14 and 15 of this act apply  
40 retroactively to September 18, 2003.

41           B. Sections 10 and 11 of this act apply retroactively to from and  
42 after June 30, 2004.

43           C. Sections 12 and 13 of this act apply retroactively to from and  
44 after July 1, 2004.



HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House May 26, 2004,

by the following vote: 53 Ayes,

0 Nays, 7 Not Voting

Jake Flake  
Speaker of the House

Norman L. Fyoo  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate May 26, 2004,

by the following vote: 28 Ayes,

0 Nays, 21 Not Voting

Klu Bennett  
President of the Senate

Channing B. Bennett  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 27th day of May, 2004,

at 8:35 o'clock a. M.

Wendee Upbarra  
Secretary to the Governor

Approved this 3 day of

June, 2004,

at 3<sup>rd</sup> o'clock P. M.

J. R. ...  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of June, 2004,

at 4:22 o'clock P. M.

Janice K. Brewer  
Secretary of State

H.B. 2012